

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOTALENERGIES MARKETING
PUERTO RICO CORPORATION,

Defendant.

Civ. No. 3:22-cv-1454-ADC

**MOTION TO ENTER PROPOSED
CONSENT DECREE**

The United States of America, on behalf of the United States Environmental Protection Agency (EPA), respectfully moves for entry of the proposed consent decree lodged with the Court on September 19, 2022. ECF No. 2-1. In support of this Motion, the United States submits an accompanying memorandum of law and states as follows:

On September 19, 2022, the United States filed a complaint against TotalEnergies Marketing Puerto Rico Corporation (Total) regarding violations of the Clean Air Act, 42 U.S.C. § 42 U.S.C. § 7409, *et seq.*, and three of its implementing regulations, at Total's bulk petroleum storage and distribution facility in Guaynabo, Puerto Rico.

Contemporaneously with the filing of the complaint, the United States lodged a proposed consent decree that, upon entry by the Court, will resolve the claims in the complaint. Under the consent decree, Total will perform comprehensive injunctive relief to address the alleged violations and pay a \$500,000 civil penalty.

The United States submits that the consent decree is fair, reasonable, and consistent with the goals of the Clean Air Act. The United States respectfully requests, for the reasons set forth in the accompanying memorandum, that the Court approve and enter the proposed consent decree.

As provided in Paragraph 78 of the Consent Decree, Total consents to the entry of the Decree.

Respectfully submitted,

/s/ Mark Gallagher

Mark Gallagher, Bar No. G03317
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
Washington, D.C. 20044-7611
(202) 514-5405
mark.gallagher@usdoj.gov

Of Counsel:
Sara Froikin
Assistant Regional Counsel
U.S. Environmental Protection Agency Region 2
290 Broadway
New York, New York 10007